

Amendments to the Drawings:

The attached sheets of drawings include changes to Figs. 1-3. The first sheet, which includes Fig. 1, replaces the original sheet including Fig. 1, and the second sheet, which includes Figs. 2 and 3, replaces the original sheet including Figs. 2 and 3. In Figs. 1-3, previously omitted reference numerals “37” and “41” have been added.

Attachments: 2 Replacement Sheets
2 Annotated Sheets Showing Changes

REMARKS/ARGUMENTS

Applicant respectfully requests reconsideration of this application in view of the following remarks. By this amendment, claims 1, 16, 28 and 29 are amended, and claims 7, 11-13, 18, 24 and 35 are canceled. As a result, claims 1-6, 8-10, 14-17, 19-23, and 25-34 are pending and at issue, with claims 1, 16, 28 and 29 being independent. It is believed that no additional fees are due for entry of this amendment. However, if additional fees are due, the Commissioner is authorized to charge such fees to deposit account number 13-2855.

Drawing Amendments

In amended Figs. 1-3, previously omitted element numerals 37 and 41 have been added. Withdrawal of the objection to the drawings is respectfully requested.

Claim Amendments

Claims 1 and 16 are amended to include the limitations of dependent claims 12 and 18, respectively, to more clearly recite that the second set of bristles or plurality of second bristles completely encircle the first set of bristles or plurality of first bristles. Claims 28 and 29 are similarly amended to recite that the plurality of second bristles completely encircles the plurality of first bristles. Claims 1, 16, 28 and 29 are further amended to correct obvious typographical errors. Claims 7, 11-13, 18, 24 and 35 are canceled. Applicants respectfully submit that the amendments are supported by both the specification and the claims as originally filed at least at claims 12 and 18 as discussed above, and at Figs. 2, 6 and 7 and the accompanying text at page 7, lines 1-4 and 18-20 which illustrate and describe the first set of bristles 26 disposed to the center of the head 35 of the brush 20, and the second set of bristles 28 being disposed around the first set of bristles 26. Applicant respectfully submits that the amendments to claims 1, 16, 28 and 29 do not present new matter and do not raise new issues, and respectfully requests entry of the present amendments to claims 1, 16, 28 and 29 and consideration of the claims as amended.

Response to Claim Objections

Claim 10 was objected to as being a substantial duplicate of claim 11. Applicant respectfully requests withdrawal of the objection to claim 10 in view of the cancellation of claim 11.

Response to Claim Rejections under 35 U.S.C. §112, Second Paragraph

Claims 7, 24 and 35 were rejected under 35 U.S.C. §112, second paragraph as being indefinite based on the limitation that the first set of bristles is “larger” than the second set of bristles. Applicant respectfully requests withdrawal of the rejection to claims 7, 24 and 35 in view of the cancellation of those claims.

Response to Claim Rejections under 35 U.S.C. §§102(b) and (e), and 103(a)

Claims 1-8, 10-11, 13-17, 19-25, 27 and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Nakamura (U.S. Patent No. 6,341,611), claims 1-8, 10-12, 14-25, 27 and 28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Chen (U.S. Patent No. 6,735,808), claims 1, 2, 5, 6, 8-12, 14-20, 23, 25-30, 33 and 34 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Duyck (Belgian Patent No. 1007329 A6), and claims 29-35 stand rejected 35 U.S.C. § 103(a) as being unpatentable over Chen in view of Duyck. Applicant respectfully traverses the rejections of currently pending claims 1-6, 8-10, 14-17, 19-23 and 25-34 and respectfully submits that claims 1-6, 8-10, 14-17, 19-23 and 25-34 are not properly rejectable in view of the applied references for the following reasons.

As discussed above, independent claims 1, 16, 28 and 29 are amended to more clearly recite that the set or plurality of second bristles encircles the set or plurality of first bristles. Applicant respectfully submits that the applied reference do not disclose or suggest relative positioning of two sets of bristles as recited in the claims. The Office action does not reject previously pending claims 12 and 18 that recited this limitation in view of Nakamura either alone or in combination with other references and, consequently, concedes that the limitation is not taught by Nakamura.

Despite the rejections of claims 12 and 18 in view of Chen and Duyck, these references also fail to disclose or suggest the positioning of the first and second sets of bristles as recited in claims 1, 16, 28 and 29 as amended. Chen teaches a bath brush, as opposed to a hair brush as claimed, having a plurality of tufted bristles 73 distributed across the surface of a bristle holder 7, and a plurality of massaging projections 62 extending through corresponding through holes 71 that are distributed among the insertion holes 71 in which the tufted bristles 73 are implanted. (*See* Chen, Figs. 3 and 4 and accompanying text at col. 3, lines 3-13). As a result, the massaging projections 62 and tufted bristles 73 are intermixed as opposed to being segregated with either the set of projections 62 encircling

bristles 73 or vice versa as recited in independent claims 1, 16, 28 and 29. Moreover, Chen discusses varying the lengths of the projections 62 and the bristles 73, but does not provide any teaching, suggestion or motivation for changing the relative positioning of the projections 62 and the bristles 73 such that it would be obvious to a person skilled in the art to reconfigure Chen's bath brush with one of the sets of elements encircling the other of the sets of elements as recited in the claims. For these reasons, Chen does not anticipate or render obvious independent claims 1, 16, 28 and 29 and the claims depending therefrom.

Similar to Chen, Duyck teaches a hair brush having a plurality of bundles 5 of fibers 2, 3 distributed across the surface of pneumatic cushion 6, and a plurality of almost non-bendable pins 4 also distributed across the surface of the pneumatic cushion 6 such that the bundles 5 and pins 4 are intermixed as opposed to being segregated as recited for the first and second sets of bristles in independent claims 1, 16, 28 and 29. (*See* Duyck, Figs. 1 and 2 and the accompanying Abstracts). Further, Duyck also does not appear to disclose or suggest changing the relative positioning of the bundles 5 and the pins 4 such that it would be obvious to a person skilled in the art to reconfigure Duyck's hair brush with one of the sets of elements encircling the other of the sets of elements as recited in the claims. Therefore, Duyck also does not anticipate or render obvious independent claims 1, 16, 28 and 29 and the claims depending therefrom. Because the applied references do not teach or suggest providing a hair brush having a first set of bristles encircled by a second set of bristles as recited in the claims, it follows that claims 1, 16, 28 and 29 and the claims depending therefrom are neither anticipated nor rendered obvious by the applied references, and the applicant respectfully requests withdrawal of the rejections of the currently-pending claims.

For at least the foregoing reasons, reconsideration and withdrawal of the rejection of the claims and allowance thereof are respectfully requested. Should the Examiner wish to discuss the foregoing or any matter of form in an effort to advance this application towards allowance, the Examiner is urged to telephone the undersigned at the indicated number.

Dated: July 17, 2006

Respectfully submitted,

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